

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: NINE WEST LBO SECURITIES LITIGATION

Pertains to *Kirschner, et al. v. Advisors Series Trust*
(*Kellner Merger Fund*), et al., No. 20-cv-4433

)
) No. 20-MD-2941 (JSR)

) **[PROPOSED] ORDER**
) **UNSEALING DOCKET**
) **AND DIRECTING**
) **INTERIM FILING OF**
) **REDACTED SUMMONS**
) **AND COMPLAINT**
)

JED S. RAKOFF, U.S.D.J.

WHEREAS, paragraph 4 of the Court's June 12, 2020 Order in these proceedings stated that the Court's intention, unless convinced otherwise, was to unseal action no. 20-cv-4433 on or shortly after June 22, 2020;

WHEREAS, on June 19, 2020, counsel for non-party Merrill Lynch, Pierce, Fenner & Smith, Incorporated ("Merrill Lynch") sought relief from this Court and requested that the Court permit certain information previously designated by Merrill Lynch as Confidential and/or Highly Confidential on behalf of certain of its current or former clients named as defendants in action no. 20-cv-4433 to remain redacted and/or under seal for 30 days to afford the affected clients an opportunity to evaluate the Plaintiffs' requests to de-designate their information;

WHEREAS, Plaintiffs took no position on Merrill Lynch's request for relief; and

WHEREAS no other person has sought relief from paragraph 4 of the Court's June 12, 2020 Order;

It is therefore hereby ORDERED that:

1. The Clerk of the Court is directed to unseal the docket in *Kirschner, et al. v. Advisors Series Trust (Kellner Merger Fund), et al.*, No. 20-cv-4433, except for (a) the continued

sealing of the unredacted summons and the unredacted Complaint; and (b) the replacement on the docket of the names and addresses of the 2nd, 11th, 21st, 22nd, and 30th named defendants with the pseudonyms Defendant NY-1, Defendant NY-8, Defendant NY-18, Defendant NY-19, and Defendant NY-24, respectively.

2. Plaintiffs are directed to file, no later than close of business on June 22, 2020, versions of the summons and Complaint in action no. 20-cv-4433 on the public docket with only the following pseudonyms and redactions, relating to Merrill Lynch's current or former client information that remains designated as Confidential, permitted in each document:

(a) The names and residences or principal places of business of, and alleged shareholder transfers received by, Defendants NY-1, NY-8, NY-18, NY-19, and NY-24; and

(b) The alleged shareholder transfers received by the following named defendants: Beth B. Dorfsman, Bryan R. Gilligan, Laurie J. Gentile, Linda V. Kothe, Stacey A. Harmon, and Whitney L. Smith.

3. The Court will hold a telephone conference on July 20, 2020 at noon Eastern time with counsel for Plaintiffs, Merrill Lynch, and each defendant listed in paragraphs 2(a) and 2(b) above who has not consented to unsealing by that time. Each such non-consenting defendant shall show cause at the conference why the Court should not order Plaintiff to file a fully unredacted summons and Complaint in action no. 20-cv-4433 on the public docket.

4. If all Confidentiality designations have been removed by Merrill Lynch or the defendants listed in paragraphs 2(a) and 2(b) on or before July 20, 2020, counsel for Plaintiffs may so advise the Court, and the Court will order the unsealing of the unredacted summons and the unredacted Complaint on the public docket.

SO ORDERED.

Dated: New York, New York
June 22, 2020



JED S. RAKOFF, U.S.D.J.